

Remarks/Arguments

Applicants have received and carefully reviewed the Final Office Action mailed April 10, 2009 and the Advisory Action mailed June 29, 2009. Currently, claims 1-9, 15, 21, 22, 24-38, and 51-65 remain pending. Claims 1-9, 15, 21, 22, 24-38, and 51-65 have been rejected. In this amendment, claims 1-3 and 62 have been amended, claims 63-64 have been canceled, and newly presented claim 66 has been added. No new matter is believed to have been added. Favorable consideration of the following remarks is respectfully requested.

Advisory Action

The Advisory Action indicated that the Amendment After Final filed on June 10, 2009 will not be entered as it raises new issues that would require further consideration and/or search. The Advisory Action also indicated that the amendment to claim 62 in the Amendment After Final presented a potential antecedent basis issue for “the unexpanded balloon”. The present Amendment is substantially similar to the Amendment After Final filed June 10, 2009, but addresses the noted potential antecedent basis issue.

Claim Rejections – 35 USC § 103

In paragraph 6 of the Final Office Action, claims 1, 2, 5-9, 31-38, and 62-64 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cox (U.S. Patent No. 5,257,974). After careful review, Applicant must respectfully traverse this rejection.

Turning to claim 1, which recites:

1. (Currently Amended) A catheter assembly comprising:
a catheter, the catheter comprising a catheter shaft and a[[n]] ~~unexpanded~~
balloon positioned at a distal end portion of the catheter shaft, the ~~unexpanded~~
balloon including a first portion having a first outer diameter and a second portion
having a second outer diameter that is different than the first outer diameter;
[[and]]
a rotatable sheath, the rotatable sheath rotatably disposed about at least a
portion of the ~~unexpanded~~ balloon, the rotatable sheath including a first portion
having a first portion inner diameter and a second portion having a second portion
inner diameter that is different than the first portion inner diameter, the first
portion of the rotatable sheath being arranged axially adjacent the second portion
of the rotatable sheath, the first portion of the rotatable sheath arranged in radial
alignment with the first portion of the ~~unexpanded~~ balloon and the second portion
of the rotatable sheath arranged in radial alignment with the second portion of the
~~unexpanded~~ balloon; and

a guidewire housing, the guidewire housing defining a guidewire lumen for passage of a guidewire therethrough, at least a portion of the guidewire housing being engaged to an outer surface of the rotatable sheath.

Without conceding the correctness of the rejection, Applicant has amended claim 1 to recite, “a guidewire housing, the guidewire housing defining a guidewire lumen for passage of a guidewire therethrough, at least a portion of the guidewire housing being engaged to an outer surface of the rotatable sheath”. Nowhere does Cox appear to teach or suggest such an element. Therefore, for at least these reasons, claim 1 is believed to be patentable over Cox. For similar reasons and others, claims 2, 5-9, and 31-38, which depend from claim 1 and include additional elements, are believed to be patentable over Cox.

Turning to claim 62, which recites:

62. (Currently Amended) A catheter assembly comprising:
a catheter shaft;
a[[n]] ~~unexpanded~~ balloon, the ~~unexpanded~~ balloon arranged on the catheter shaft and having at least a first tapered end and a second tapered end; and
a rotatable sheath, the rotatable sheath rotatably disposed about at least a portion of the ~~unexpanded~~ balloon, the rotatable sheath including a first radially tapered end that is arranged in radial alignment with the first tapered end of the ~~unexpanded~~ balloon and a second tapered end that is arranged in radial alignment with the second tapered end of the balloon, the first radially tapered end of the rotatable sheath being configured to complement the first tapered end of the ~~unexpanded~~ balloon, the second tapered end of the rotatable sheath being configured to complement the second tapered end of the balloon, wherein the first and second tapered ends being configured to complement the first and second tapered ends of the balloon limit longitudinal displacement of the rotatable sheath relative to the balloon.

Without conceding the correctness of the rejection, Applicant has amended claim 62 to include elements of claims 63 and 64, now canceled, as well as other elements. As amended, claims 62 recites, in part, “the rotatable sheath including a first radially tapered end that is arranged in radial alignment with the first tapered end of the balloon and a second tapered end that is arranged in radial alignment with the second tapered end of the balloon, the first radially tapered end of the rotatable sheath being configured to complement the first tapered end of the balloon, the second tapered end of the rotatable sheath being configured to complement the second tapered end of the balloon, wherein the first and second tapered ends being configured to complement the first and second tapered ends of the balloon limit longitudinal displacement of the rotatable sheath relative to the balloon”. Nowhere does Cox appear to teach or suggest these

Response to Final Office Action dated April 10, 2009 and Advisory Action dated June 29, 2009 elements. Therefore, for at least these reasons, claim 62 is believed to be patentable over Cox.

In paragraph 4 of the Final Office Action, claims 3, 4, 15, 21, 22, and 65 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cox (U.S. Patent No. 5,257,974) in view of Wilson et al. (U.S. Patent No. 6,165,195). After careful review, Applicant must respectfully traverse this rejection. As discussed previously, claims 1 and 62 are believed to be patentable over Cox and nothing in Wilson et al. appears to remedy the noted shortcomings. Therefore, claims 3, 4, 15, 21, 22, and 65, which depend from claim 1 or claim 62 and include additional limitations, are believed to be patentable over Cox and Wilson et al.

In paragraph 5 of the Final Office Action, claims 24-29 and 51-61 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cox (U.S. Patent No. 5,257,974) in view of Wilson et al. (U.S. Patent No. 6,165,195), and further in view of Healy et al. (U.S. Patent No. 5,670,161). After careful review, Applicant must respectfully traverse this rejection. As discussed previously, claim 1 is believed to be patentable over Cox and Wilson et al. Nothing in Healy et al. appears to remedy the noted shortcomings of Cox and Wilson et al. Therefore, for at least these reasons, claims 24-29 and 51-61, which depend from claim 1 and include additional limitations, are believed to be patentable over the combination of Cox, Wilson et al., and Healy et al.

In paragraph 6 of the Office Action, claim 30 was rejected under 35 U.S.C. 103(a) as being unpatentable over Cox (U.S. Patent No. 5,257,974) in view of Lenker et al. (U.S. Patent No. 6,350,278). After careful review, Applicant must respectfully traverse this rejection. As discussed previously, claim 1 is believed to be patentable over Cox and nothing in Lenker et al. appears to remedy the noted shortcomings of Cox. Therefore, for at least these reasons, claim 30, which depends from claim 1 and includes additional limitations, is believed to be patentable over the combination of Cox and Lenker et al.

Newly Presented Claim

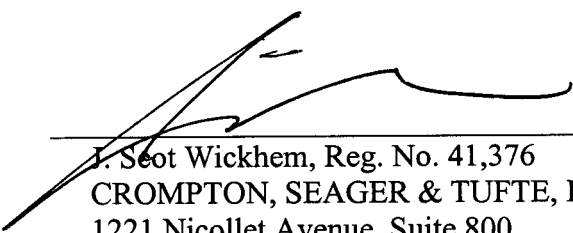
With this Amendment, Applicant has added newly presented claim 66. For similar reasons discussed above, as well as other reasons, claim 66 is believed to be patentable over the cited references.

Conclusion

In view of the foregoing, all pending claims are believed to be in a condition for allowance. Reexamination and reconsideration are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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